

STATEMENT OF THE INTERNATIONAL DEVELOPMENT LAW ORGANIZATION

THE SIXTH COMMITTEE OF THE 70TH SESSION OF THE UNITED NATIONS GENERAL
ASSEMBLY

AGENDA ITEM 85: THE RULE OF LAW AT THE NATIONAL AND INTERNATIONAL LEVELS

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Thank you Mr. Chairman

In my interventions in previous years under this agenda item, I have had occasion to emphasize the importance that IDLO attaches, and the attention it gives, to the opportunities, but also the duties, that flow from the Observer Status conferred to it by the General Assembly, on the recommendation of this Committee. In this perspective, we are grateful for the precious possibility that the annual debates on the rule of law in this Committee give us to provide to the General Assembly an overview of IDLO's engagement with the United Nations during the year, and to share with the Assembly highlights of our work and plans for the future.

As you may imagine, for an inter-governmental organization such as ours, with a mandate exclusively devoted to advancing the rule of law and its contribution to development, the UN processes leading to the adoption of the 2030 Agenda were, throughout the year, at the very center of our engagement with the United Nations. We have continued, during the negotiations this year, as we did the previous year in relation to the work of the Open Working Group, to purposefully refrain from promoting specific formulas or language in the process of elaborating the Agenda, recognizing that this is the exclusive prerogative of governments. What we have advocated instead has been a practical, results-based approach to the rule of law. We have done so by bringing to the table evidence from our technical cooperation work of how greater justice—at the national, as indeed at the international level—can contribute concretely to further and sustain development. At the same time, we have continued to emphasize the importance of national ownership and the diversity of challenges faced by countries along the development spectrum. Throughout, we have been guided by one of the key principles in which IDLO's work is rooted: our commitment to legal pluralism and the equal value of different legal systems, including traditional systems, consistent with human rights norms and standards.

For IDLO, the outcome of the negotiations enshrined in the 2030 Agenda is a source of great satisfaction, not least because we see in the Agenda, and in the important novel features that it embodies vis-à-vis the previous Millennium Development Goals, a strong validation of the foresight of our mandate at the intersection of the law and development. Also, by providing an agreed framework of substantive goals and targets towards which to orient our activities and assess their impact, the Agenda constitutes an essential source of policy direction for our future work.

IDLO's Director General, Irene Khan, in her intervention at the Summit observed how, in what she called "a ground-breaking move", the 2030 Agenda had put justice and the rule of law firmly at

the heart of development. They are—she said—no longer an optional extra, but a premise without which development cannot be sustained. She referred in this context to Goal 16 that acknowledges that access to justice, the rule of law, and effective, inclusive institutions are essential ingredients of sustainable development. But—she added—the relationship between the rule of law and the 2030 Agenda goes deeper than Goal 16. The rule of law is ultimately about equal protection, accountability and transparency. In that sense - she noted - it cuts across all of the Sustainable Development Goals. The Director General's statement drew from SDG 16, but also the thrust of the Agenda as a whole and the strong emphasis on equity that characterizes it throughout, the important message that, across the development spectrum, without access to justice and the rule of law development cannot be sustained—that an essential requirement equally to build peace or protect the planet, eradicate poverty or encourage economic opportunity, is good laws and regulations that are fairly administered by transparent and accountable institutions and, most importantly, institutions that produce fair outcomes for all.

Agenda 2030 is an inspiring document but—as the Director General and many others said at the Summit –it will become a truly transformative agenda only when words are converted into action. In this phase, we believe, it is incumbent on all inter-governmental bodies and all concerned institutions to focus on supporting countries and the international community gear policies and regulatory frameworks to effectively advance the values, and act on the commitments, that were agreed upon at the Summit. This applies to the development agencies obviously, but not only to them. It also applies, in the “integrated” spirit of the 2030 Agenda, to entities operating in the peace building, humanitarian and other areas impinging on development. And in IDLO, given the development thrust of our legal mandate, we feel that this applies in an especially compelling way to the national and international legal community that should, we believe, see in the Agenda a renewed, strong call for reflection and action on how best to engage the law, in all areas and at all levels, to maximize its contribution to furthering the goals set in the Agenda.

Two major features of the Agenda are especially relevant here: its universal character; and its emphasis on equity –its ambition “to leave no one behind”. These are features that the law at all levels shares: its universal applicability—no one is above the law; and the overriding purpose of advancing justice and combatting inequalities inherent in the concept of the rule of law. Across these two features, no society, no country irrespective of level of economic development, can claim to have fully succeeded in reaching the objective that the rule of law demands that all should be given equal opportunity to contribute to development and to benefit from it.

The International Law Commission's report on the contribution of its work to advancing the rule of law; the many aspects of the work of the Human Rights Commission that impinge on development; the work of UNICITRAL; and the thematic debates in this Committee have all contributed directly or indirectly to the drive to put justice at the center of the 2030 Agenda. It is, for example, no coincidence in my view that access to justice, which attracted so much interest in last year's rule of law debate in this committee—a discussion that highlighted the priority attention that government policies are according to this key objective—is strongly highlighted in the 2030 Agenda.

Bringing together these different strands of reflection and legal development, and assessing, on an ongoing basis, the contribution that different branches of the law can make to sustaining progress towards the 2030 Agenda, is a task which this Committee would - I believe - be well-placed to perform. IDLO would be glad to lend its full support to this endeavor.

Within IDLO itself, we will move, in 2016, into the last year of our current 4-year Strategic Plan. I have had occasion, in my interventions in this Committee in previous years, to share the

highlights of this Plan and to illustrate the progress we have been making over the past 3 years in ensuring its effective implementation. Next year, we plan to undertake an extensive range of consultations with stakeholders in government but also academia and civil society, to ensure that the next four year Plan, to be adopted by our Assembly at the end of 2016, responds effectively to needs and demand, and to the evolution of the political and institutional environment in which we operate. Needless to say, IDLO's ability to maximize, within its mandate, its contribution to furthering the implementation of the 2030 Agenda will be at the very center of these consultations. And we look forward to an active engagement in these consultations by the United Nations, at both the intergovernmental level and the secretariat level, and across the peacebuilding, economic and social, and legal areas in which IDLO cooperates with the United Nations. These intentions will be endorsed at our next Assembly of Parties in Rome at the end of November.

The November session of our Assembly will also pronounce itself on the progress that the Organization is making in relation to a number of what we call "critical strategic initiatives" that were endorsed by our membership. And we trust that the Assembly will find that progress has been both steady and significant.

In relation to the programme portfolio, IDLO has experienced rapid and significant programmatic growth over the past few years. Our strategy has been to build increasingly balanced portfolio both geographically and thematically for further growth beyond 2016.

Our geographic strategy in 2016 will be to consolidate established institution building and legal reform operations: Afghanistan is likely to remain our largest country operation and our operations in Somalia, Kyrgyzstan and Kenya are also expected to continue at current or higher levels. At the same time, in 2014 - 2015 we have begun to open new programs in Indonesia, Myanmar, Ukraine, Liberia, Mali, Tunisia, Jordan and Honduras; and we foresee significant possibilities to scale them up during 2016.

In terms of thematic priorities, we expect our programs on access to justice for women and girls to grow significantly, particularly thanks to the credibility we have established, and the impact that our gender related work has generated, in Afghanistan. At the same time, we are initiating new programs to combat gender based violence, notably in Liberia, Tunisia and Mongolia. Demand is also growing either in new, for us, subject areas, such as refugees/ migrants, or for innovative programming, e.g. through combining our skills on institution-building with our expertise on access to justice, in order to address violent crimes. Over-all, our thematic strategy for 2016 will be to continue to retain our comparative advantage on justice sector institution-building, while at the same time expanding our programs on access to justice for women and children, legal aid, and legal empowerment of poor and vulnerable groups.

Across the thematic areas around which our programme portfolio is built, we began consultations in 2015 on a new initiative conceived to promote high level engagement and expert discussions towards the development of strategies and good practice in Africa on legal reforms, institutional capacity building and citizen empowerment, in line with the priorities set by African stakeholders and in ways that would serve to contribute to the effective implementation of the 2030 Agenda in the continent. A key component of the initiative will be a Conference convening national, regional and international stakeholders, geared to helping build effective partnerships among a variety of actors engaged in strengthening the rule of law across Africa. It will be held in Tanzania in the spring of the new year.

In relation to financial support, the Organization has tripled its overall revenue since 2011, thanks to the generous support from Italy, the Netherlands, the United States, and, now, Sweden, with

which we signed a multi-year agreement in June 2015. The agreement was preceded by a full organizational assessment which we hope will also create a base for generating interest from other like-minded partners.

As our work, credibility and visibility expand globally, we see increasing interest from countries to seek membership of IDLO. In 2015 Pakistan completed the accession process, while a number of other governments – including Honduras, Mongolia, and Kyrgyzstan – are at different, advanced stages in the process.

Two quick final points by way of conclusions. One is the words contained in the summary of the interactive dialogue on “Building Effective, Accountable and inclusive institutions to achieve sustainable development” held during the summit and chaired by the Presidents of Chile and of the Republic of Korea, in which the Director General of IDLO had the honour to participate. The summary states that “strong institutions based on the rule of law and not on rule by law are essential for building peaceful societies, where people live free from fear and want. A culture of justice needs to be created and upheld to empower all people including the most marginalized. Breaking down silos through building partnerships across sectors and among all stakeholders is the pre-condition for the implementation of Goal 16 and all other sustainable development goals.” These words reflect very well – “creating a culture of peace” being the very words enshrined in our logo – the thrust of IDLO’s contribution to the SDGs debate, and the approaches that will continue to guide our work in the future.

My final point has to do with the wisdom of investing in the rule of law. Progress towards the rule of law is a long-term proposition, not an event. And so is the support that the international community is called upon provide in response to countries’ demand. Such response may involve support for good constitutions; assistance for law and court reforms; legal empowerment programs; gender justice initiatives; regulations for fair access to services; land policies that enhance food security; fiscal regimes that encourage foreign direct investment, while protecting smallholders and the environment; and so on. The more donor governments are willing to invest in such long-term programs, the less they will have to scramble to address catastrophic development failures, from famines to migration crises. Building resilient societies takes vision, time and money. But it is the soundest investment there is. I am sure that this Committee, as the custodian of the effort to bring the law to bear on advancing all aspects of the UN mission, shares in these sentiments.

Thank you Mr. Chairman.

The International Development Law Organization (IDLO) enables governments and empowers people to reform laws and strengthen institutions to promote peace, justice, sustainable development and economic opportunity.